

## SENATE BILL No. 174

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-44.1-2-6; IC 35-48.

**Synopsis:** Controlled substances and public servant impersonation. Provides that a person who, with intent to: (1) defraud; or (2) induce compliance with the person's instructions, orders, or requests; falsely represents that the person is a public servant, commits impersonation of a public servant, a Class A misdemeanor. Creates the crime of dealing in a controlled substance by a health care provider. Precludes certain defenses. Lists dealing: (1) in a schedule I, II, or III controlled substance; or (2) in a controlled substance by a health care provider; as an enhancing circumstance for purposes of sentencing if use of the controlled substance causes the death of another person.

**Effective:** July 1, 2016.

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## Young R Michael

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January 5, 2016, read first time and referred to Committee on Corrections & Criminal Law.

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Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 174

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-44.1-2-6, AS AMENDED BY P.L.158-2013,  
2       SECTION 505, IS AMENDED TO READ AS FOLLOWS  
3       [EFFECTIVE JULY 1, 2016]: Sec. 6. **(a)** A person who, **with intent**  
4       **to:**

5               **(1) defraud; or**

6               **(2) induce compliance with the person's instructions, orders,**  
7               **or requests;**

8       falsely represents that the person is a public servant, ~~with intent to~~  
9       ~~mislead and induce another person to submit to false official authority~~  
10      ~~or otherwise to act to the other person's detriment in reliance on the~~  
11      ~~false representation~~, commits impersonation of a public servant, a  
12      Class A misdemeanor, **except as provided in subsection (b).**

13       **(b)** ~~However, a person who~~ **The offense described in subsection**  
14      **(a) is a Level 6 felony if the person** falsely represents that the person  
15      is:

16               (1) a law enforcement officer; or

17               (2) an agent or employee of the department of state revenue, and



collects any property from another person.

~~commits a Level 6 felony.~~

SECTION 2. IC 35-48-1-16.5, AS AMENDED BY P.L.168-2014, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16.5. "Enhancing circumstance" means one (1) or more of the following:

(1) The person has a prior conviction, in any jurisdiction, for dealing in a controlled substance that is not marijuana, hashish, hash oil, salvia divinorum, or a synthetic drug, including an attempt or conspiracy to commit the offense.

(2) The person committed the offense while in possession of a firearm.

(3) The person committed the offense:

(A) on a school bus; or

(B) in, on, or within five hundred (500) feet of:

(i) school property while a person under eighteen (18) years of age was reasonably expected to be present; or

(ii) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(4) The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.

(5) The person manufactured or financed the manufacture of the drug.

(6) The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense.

**(7) The person committed the offense of:**

**(A) dealing in a schedule I, II, or III controlled substance; or**

**(B) dealing in a controlled substance by a health care provider;**

**and the offense is the proximate cause of another person's death.**

SECTION 3. IC 35-48-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) A health care provider, as defined by IC 16-18-2-163(c), who knowingly or intentionally prescribes, administers, or provides a schedule I, II, III, IV, or V controlled substance:

(1) without a legitimate medical purpose; or

(2) outside the scope of the provider's medical practice;



1 commits dealing in a controlled substance by a health care  
2 provider, a Level 4 felony.

3 (b) The following are not defenses to a prosecution under  
4 subsection (a) that involves proof of the existence of an enhancing  
5 circumstance described in IC 35-48-1-16.5(7):

6 (1) The decedent consumed additional controlled substances  
7 which, if taken alone, would not have caused the decedent's  
8 death.

9 (2) The decedent contributed to the decedent's death by the  
10 knowing, intentional, reckless, or negligent:

11 (A) injection of a controlled substance;

12 (B) inhalation of a controlled substance; or

13 (C) consent to the administration of a controlled substance  
14 by another person.

